October 5, 2007

THE MARASCO LAW FIRM

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BY HAND DELIVERY
The Honorable Leonard D. Wexler
United States District Court
Eastern District of New York
944 Federal Plaza
Central Islip, New York, NY 11722

Re: *Gerard DePascale, et al. v. Sylvania Electronic Products, Inc., et al.* CV-07-3558 (LDW) (ARL), *Letter to the Court from Mr. Robert L. Folks, Dated September 28, 2007*

Dear Judge Wexler:

This letter is in response to Mr. Robert L. Folks' September 28, 2007 letter to the Court wherein Defendants requested a pre-motion conference in connection with their contemplated motion to dismiss pursuant to Fed. R. Civ. P. 12(b). Plaintiffs' counsel and Defendants' counsel have reached an agreement to enter into a stipulation whereby Plaintiffs will have approximately thirty (30) days from today's date to file their First Amended Complaint (hereinafter "FAC"). It was also stipulated that Defendants' counsel will have approximately thirty (30) days from receipt of the FAC to file any response that they deem necessary. Plaintiffs anticipate that their FAC will address and/or help clarify some of the issues set forth by Defendants' letter to the Court. Plaintiffs therefore do not currently address the issues set forth in Defendants' letter so as not to be duplicative.

We thank the Court for its consideration of this matter.

Respectfully,

Paul A. Marasco

Paul A. Marasco, Esq.
Attorney for Plaintiffs

cc. The Hon. Arlene R. Lindsay (Via Hand Delivery); Counsel of Record (Via Facsimile and U.S. Mail).

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